



*THW*  
*DAE*

**MS PETITION**  
PATENT  
3885-0102P

IN THE U.S. PATENT AND TRADEMARK OFFICE

Applicant: Hisashi YAMADA et al. Conf.: 2551  
Appl. No.: 10/046,739 Group: 2814  
Filed: January 17, 2002 Examiner: H. TRINH  
For: THIN-FILM CRYSTAL WAFER HAVING pn  
JUNCTION AND METHOD FOR FABRICATING THE  
WAFER

PETITION UNDER 37 C.F.R. § 1.181  
TO WITHDRAW THE HOLDING OF ABANDONMENT

**MS PETITION**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

May 4, 2005

Sir:

In response to the Notice of Abandonment dated April 4, 2005, applicant hereby respectfully petitions under the provisions of 37 C.F.R. § 1.181 and MPEP § 711.03(c) for a decision to withdraw the holding of abandonment due to failure to receive an Office Action.

The Notice of Abandonment dated April 4, 2005, indicates that this application was abandoned in view of the applicant's failure to respond to an Office Action dated July 23, 2004.

However, this Office Action was never received by the offices of the undersigned, and a search of the file jacket for the present application and the firm docketing records reveals that the Office Action of July 23, 2004 was never received. The offices of the undersigned did not become aware of the Office Action until advised of the holding of abandonment.

1. EVIDENCE

The fact that the Office Action of July 23, 2004 was never received in the offices of Birch, Stewart, Kolasch & Birch, LLP is evidenced by Exhibits I and II attached hereto.

**Exhibit I** is a copy of the front page of the file jacket of Appl. No. 10/046,739 (which corresponds to Attorney Docket No. 3885-0102P). It is the policy in our office to record all information regarding Office Actions and responses on the front page of the file jacket. As the Petitions Examiner will note, there is no entry for the Office Action dated July 23, 2004 on the front page of the file jacket of the above-referenced application.

**Exhibit II** is a copy of the computer-generated daily docket sheet(s) of Birch, Stewart, Kolasch & Birch, LLP for the date of August 21, 2004 through August 23, 2004 (the due date for said Office Action), containing entries made by our Docketing Department of due dates in response to PTO actions. It is the policy of our offices to docket all due dates for Office Actions received from the USPTO into our computer docketing system.

Although Application Numbers, and Client Names, have been redacted from this Exhibit to avoid public disclosure of these matters once the present application is patented, it is still clear that there is no entry for the due date of August 23, 2004 which corresponds to the current application, Attorney Docket No. 3885-0102P.

The undersigned certifies that he has reviewed the computer-generated daily docket sheets for the due date of August 23, 2004 and did not locate an entry that corresponds to Appl. No. 10/046,739 to inventors Hisashi YAMADA et al..

2. TERMINAL DISCLAIMER

- ☒ The present application was filed on or after May 29, 2000. Accordingly, no Terminal Disclaimer is necessary. It is noted that the present Petition is being timely filed within two (2) months of the mailing date of the Notice of Abandonment. Accordingly, no reduction in patent term adjustment should be made, in accordance with the provisions of 37 C.F.R. § 1.704(c)(4).
- ☐ The present application was filed on or after June 8, 1995 but before May 29, 2000. The present Petition is being timely filed within two (2) months of the mailing date of the Notice of Abandonment. Accordingly, no Terminal Disclaimer under 37 C.F.R. § 1.321(a) is necessary. See MPEP § 711.03(c).
- ☐ The present application was filed on or after June 8, 1995 but before May 29, 2000. The present Petition is being filed more than two (2) months from the mailing date of the Notice of Abandonment. Accordingly, a Terminal Disclaimer under 37 C.F.R. § 1.321(a) and the required fee set forth in 37 C.F.R. § 1.20(d) are being submitted concurrently herewith. The period being disclaimed is equivalent to the period between (1) the date that is two months after the mail date of the

notice of abandonment and (2) the filing date of the present petition to withdraw the holding of abandonment. See MPEP § 711.03(c).

In view of the above-described facts, it is respectfully submitted that the abandonment of the present application was unavoidable and due solely to problems with mailing of an Office Action since the Office Action dated July 23, 2004 was never received in the offices of Birch, Stewart, Kolasch & Birch, LLP. The present Petition is timely filed for this purpose.

Since the above-mentioned Office Action was never received in the offices of the undersigned, it is believed that no petition fee is necessary in connection with this Petition.

#### Previous Petition Granted

Also enclosed is a Decision on Petition dated July 22, 2004, which granted a previous Petition to Withdraw Holding of Abandonment filed originally on August 20, 2003. Again, the reason was that the Office Action was not received. It is not understood why this is the case. However, it is noted that the most recent cover sheet for the Notice of Abandonment and Office Action which was faxed on April 4, 2005, includes a "white streak" which appears to remove one of the digits from the zip code of the address. Perhaps this has prevented the document from being delivered to our offices. As a final note, we receive about 40 pieces of mail from the USPTO each day, and we have not had any problems like the present situation in which the failure to receive a piece of mail occurred a second time.

Enclosed Reply to Office Action

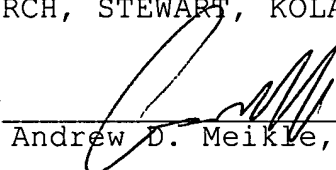
Since applicants have now received via facsimile the Office Action, i.e., the Restriction Requirement, a Reply to Restriction Requirement has been prepared and is enclosed herewith.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fee required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

BIRCH, STEWART, KOLASCH & BIRCH, LLP

By

  
Andrew D. Meikle, #32,868

ADM:gmh

P.O. Box 747  
Falls Church, VA 22040-0747  
(703) 205-8000

Attachments:

- Exhibit I - Copy of File Jacket
- Exhibit II - Copy of Docket Sheet
- Copy of Decision on Petition
- Copy of Office Action
- Reply to Restriction Requirement



**Remarks:** Notice of Abandonment mailed 6-24-04

23-Aug-2004

Due Date	Action Due	Docket Number/SubCase	Status	App Number	App Date	Other
Indicator	Action Type	Country	Client	Pat Number	Iss Date	Atty's
23-Aug-2004	IDS Reminder	0229-0811 / 1	Pending		23-Jun-2004	ADM
Reminder	Information Disclosure Summary	United States of America	Naemura & Co.			ADM
Slow Pay - See Managing Partner						
23-Aug-2004	PERFECT FILING	0229-0815 / 1	Pending		23-Jul-2004	ADM
Reminder	PF	United States of America	Naemura & Co.			ADM
Slow Pay - See Managing Partner						
23-Aug-2004	PERFECT FILING	0229-0816 / 1	Pending		23-Jul-2004	ADM
Reminder	PF	United States of America	Naemura & Co.			ADM
Slow Pay - See Managing Partner						
23-Aug-2004	ISSUE FEE-2 DAYS	0760-0309 /	Published		30-May-2002	ADM
Reminder	IF	United States of America	Tanigawa & Associates			ADM
Remarks: PUB FEE						
23-Aug-2004	RESTRICT REQ	3673-0155 /	Pending		25-Jul-2003	ADM
Due Date	RQ	United States of America	OKA & PARTNERS			ADM
Remarks: PUB FEE						
23-Aug-2004	IDS - 2 WEEK	3885-0107 /	Published		08-Jul-2003	ADM
Due Date	IDS-2WK	United States of America	M. TAKANO & ASSOCIATES			ADM
Remarks: PUB FEE						
Title: EPITAXIAL SUBSTRATE FOR COMPOUND SEMICONDUCTOR LIGHT-EMITTING DEVICE, METHOD FOR PRODUCING THE SAME AND LIGHT-EMITTING DEVICE						
Remarks: Fax re: UK Search Report and cited refs rec'd 8-9-04; originals rec'd 8-13-04 (SR mailed 7-5-04)						
Action Attorney(Attorney2): DRM DAVID R. MURPHY						
23-Aug-2004	ISSUE FEE-2 DAYS	0171-0912 /	Published		19-Nov-2002	GMM
Reminder	IF	United States of America	Kojima Patent Office			DRM
Remarks: PUB FEE						



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Due Date Indicator	Action Due Action Type	Docket Number/SubCase Country	Status Client	App Number Pat Number	App Date Iss Date	Other Atty's
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21-Aug-2004	ISSUE FEE-LAST DAY IF	2870-0182 / United States of America	Published SIKS & Co.	[REDACTED]	29-Mar-2002	MSW ETP
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*Team*

**Remarks:** PUB FEE

21-Aug-2004	NOA	3382-0103 / United States of America	Published ICHIKAWA TOKKYO JIMUSHO	[REDACTED]	22-Jul-2002	ADM ETP
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*EXV*

**Title:** SAMPLING FILTER FOR CHLORINATED ORGANIC COMPOUNDS

21-Aug-2004	FINAL FINI	3382-0103 / United States of America	Published ICHIKAWA TOKKYO JIMUSHO	[REDACTED]	22-Jul-2002	ADM ETP
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*filed 8/20*

**Title:** SAMPLING FILTER FOR CHLORINATED ORGANIC COMPOUNDS

22-Aug-2004	IDS Reminder Information Disclosure Stmt	0425-0866 / 3 United States of America	Pending FURUYA & CO.	[REDACTED]	22-Jun-2004	JWB ETP
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*Noted*

**Title:** POWDER DISPERSANT FOR HYDRAULIC COMPOSITIONS

22-Aug-2004	2 WEEK CALL-UP OA/2WK	2185-0664 / United States of America	Published [REDACTED]	[REDACTED]	25-Sep-2002	RCS ETP
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*Noted*

**Title:** CATALYST COMPONENT FOR ADDITION POLYMERIZATION, PROCESS FOR PRODUCING CATALYST FOR ADDITION POLYMERIZATION AND PROCESS FOR PRODUCING ADDITION POLYMER

Slow Pay - See Managing Partner

Action Attorney(Attorney2): GMM GERALD M. MURPHY, JR.

21-Aug-2004	SEQUENCE REQ SR	0230-0213 / United States of America	Pending YUASA AND HARA	[REDACTED]	26-Feb-2004	GMM
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*filed*

**Title:** METHOD OF MODIFYING GENOME IN HIGHER PLANT

**Remarks:** NOTICE TO COMPLY WITH REQUIREMENTS MAILED 6/21/04

22-Aug-2004	TRANSLATION TRAN	0020-5119 / United States of America	Abandoned AOYAMA & PARTNERS	[REDACTED]	27-Feb-2003	GMM
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*filed 8/19/04*

**Title:** PHARMACEUTICAL COMPOSITION FOR TREATMENT OF DRUG DEPENDENCE

**Remarks:** FILE ENGLISH TRANSLATION OF PROVISIONAL

dms 6-25-04,7/16



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23-Aug-2004

Due Date	Action Due	Docket Number/SubCase	Status	App Number	App Date	Other
Indicator	Action Type	Country	Client	Pat Number	Iss Date	Atty's
23-Aug-2004	Foreign Filing-1Month	4951-0103 / 1	Pending		23-Sep-2003	GMN
Reminder	Foreign Filing	United States of America				GMN
	Title: PREPARATION METHOD					
23-Aug-2004	CONVERT PROV-1 Month call-up	4951-0103 / 1	Pending		23-Sep-2003	GMN
Reminder	File Application	United States of America				GMN
	Title: PREPARATION METHOD					

Action Attorney(Attorney2): JWB JOHN W. BAILEY

21-Aug-2004	FIRST AMEND	0152-0549 /	PENDING		26-Jan-2001	JWB
Due Date	OAF1	United States of America	Asamura Patent Office			JWB
	Title: NON-CONTACT IC MODULE					

21-Aug-2004	ISSUE FEE-1 MONTH	0649-0815 /	PENDING		21-Dec-2001	RCS
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Reminder	IF	United States of America	NGB Corporation			JWB
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Slow Pay - See Managing Partner	NOTED					
	Title: RESIN COMPOSITION					
	Remarks: PUB FEE					

22-Aug-2004	PERFECT FILING	0425-1124 / 1	Pending		07-Apr-2004	JWB
Due Date	PF	United States of America	FURUYA & CO.			JWB

Filed 8/20  
 Title: LIQUID DETERGENT COMPOSITION  
 Remarks: NOTICE TO FILE MISSING PARTS MAILED 6/22/04  
 OATH OR DECLARATION DUE

22-Aug-2004	AMENDMENT XX	1422-0371 /	PENDING		05-Mar-1999	JWB
Due Date	OAI	United States of America	HOSODA INTERNATIONAL PATENT OFFICE			JWB
	Title: DETERGENT PARTICLES, PROCESS FOR PREPARING THE SAME, AND DETERGENT COMPOSITION HAVING HIGH BULK DENSITY					

23-Aug-2004	IDS Reminder	3349-0106 / 2	Pending		23-Jun-2004	JWB
Reminder	Information Disclosure Stmt	United States of America	Kanesaka & Sakai			JWB
	Title: COMPOUND HAVING PHENYLACETYLENE STRUCTURE, LIQUID CRYSTAL COMPOSITION, POLYMER, OPTICALLY ANISOTROPIC PRODUCT, OPTICAL OR LIQUID CRYSTAL ELEMENT, DIBENZOTHIOPHENE COMPOUND...					

Action Attorney(Attorney2): KJR KECIA J REYNOLDS

23-Aug-2004

Due Date	Action Due	Docket Number/SubCase	Status	App Number	App Date	Other
Indicator	Action Type	Country	Client	Pat Number	Iss Date	Atty's
22-Aug-2004	DRAWINGS XXX OAI	0020-4925 / United States of America	Published AOYAMA & PARTNERS	[REDACTED]	14-Nov-2001	ADM KJR
		<i>Not Filing</i> <b>Title:</b> GOLF BALL <b>Remarks:</b> oa mailed 2/23/04				
22-Aug-2004	AMENDMENT XXX OAI	0020-4925 / United States of America	Published AOYAMA & PARTNERS	[REDACTED]	14-Nov-2001	ADM KJR
		<i>Filing</i> <b>Title:</b> GOLF BALL				
23-Aug-2004	DRAWINGS XXX OAI	0020-4925 / United States of America	Published AOYAMA & PARTNERS	[REDACTED]	14-Nov-2001	ADM KJR
		<i>Not Filing</i> <b>Title:</b> GOLF BALL <b>Remarks:</b> oa mailed 2/23/04				
23-Aug-2004	AMENDMENT XXX OAI	0020-4925 / United States of America	Published AOYAMA & PARTNERS	[REDACTED]	14-Nov-2001	ADM KJR
		<i>Filing</i> <b>Title:</b> GOLF BALL				
<b>Action Attorney(Attorney2): KLR KRISTIL L. RUPERT</b>						
21-Aug-2004	IDS IDS1	0020-5172 / United States of America	Pending AOYAMA & PARTNERS	[REDACTED]	25-Aug-2003	ADM KLR
		<i>File</i> <b>Title:</b> METHOD FOR IN VITRO CULTURE OF LYMPHOCYTES AND COMPOSITION FOR USE IN IMMUNE THERAPY				
		<b>Remarks:</b> Supp EP Search Report and refs rec'd 8-11-04 (SR mailed 7-22-04)				
21-Aug-2004	SPECIAL LETTER SPL1	0475-0215 / United States of America	Published Abitz & Partner	[REDACTED]	18-Mar-2003	ADM KLR
		<i>NOTED</i> <b>Title:</b> POLYMERIZABLE COMPOSITIONS BASED ON EPOXIDES				
23-Aug-2004	TO BE FILED ACTUAL TBFA	0020-4546 / United States of America	PENDING AOYAMA & PARTNERS	[REDACTED]	09-Jun-1999	DRN KLR
		<i>year 5 filing</i> <b>Title:</b> NOVEL SEMAPHORIN GENE: SEMAPHORIN W <b>Remarks:</b> FILE DIVISIONAL per fax dated 7-23-04, per dms 8/18/04				
23-Aug-2004	FIRST AMEND XX OAF1	0020-4764 / United States of America	PENDING AOYAMA & PARTNERS	[REDACTED]	27-Oct-2000	GMM KLR
		<b>EXTEND</b> <b>Title:</b> METHOD FOR GIVING RESISTANCE TO WEED CONTROL COMPOUNDS TO PLANTS				

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Due Date	Action Due	Docket Number/SubCase	Status	App Number	App Date	Other
Indicator	Action Type	Country	Client	Pat Number	Iss Date	Atty
23-Aug-2004	IDS	0760-0290 /	PENDING		25-May-2001	GMM
Due Date	IDS2	United States of America	Tanigawa & Associates			KLR
<b>Title:</b> NUCLEIC ACID FRAGMENTS, RECOMBINANT VECTORS CONTAINING THE SAME AND METHOD FOR PROMOTING EXPRESSION OF STRUCTURAL GENES USING THE SAME <b>Remarks:</b> Supp EP Search Report and refs rec'd 8-2-04 (SR mailed 6-14-04), per d sheet 8/16/04						
23-Aug-2004	NOA XX	1422-0493 /	PENDING		26-Sep-2001	MSW
Due Date	NOA	United States of America	HOSODA INTERNATIONAL PATENT OFFICE			KLR
<b>EXTEND</b> <b>Title:</b> CERAMIDASE GENE						
23-Aug-2004	RESPONSE	1422-0541 /	Pending		03-Jul-2002	MSW
Due Date	RS	United States of America	HOSODA INTERNATIONAL PATENT OFFICE			KLR
<b>Method</b> <b>Title:</b> METHOD FOR EFFECTING SITE-DIRECTED MUTAGENESIS <b>Remarks:</b> Interview Summary mailed 7-23-04 STATEMENT OF THE SUBSTANCE OF THE INTERVIEW						
23-Aug-2004	NOA XXX	2520-0120 /	PENDING		05-Feb-2001	JWB
Final	NOA	United States of America	Hirose Patent Office			KLR
<b>File</b> <b>Title:</b> PREPARATIONS FOR ADMINISTRATION OF HEPATOCYTE GROWTH FACTOR						
Slow Pay - See Managing Partner						
23-Aug-2004	FINAL XXX	2520-0120 /	PENDING		05-Feb-2001	JWB
Final	FINI	United States of America	Hirose Patent Office			KLR
<b>File</b> <b>Title:</b> PREPARATIONS FOR ADMINISTRATION OF HEPATOCYTE GROWTH FACTOR						
Slow Pay - See Managing Partner						
23-Aug-2004	FINAL XX	2962-0120 /	Pending		26-Feb-1997	GMM
Due Date	FINI	United States of America				KLR
<b>EXTEND</b> <b>Title:</b> SEQUENCE BASED MUTATION ANALYSIS OF NEOPLASTIC TISSUE FOR DIAGNOSIS OR PROGNOSIS OF THE NEOPLASIA						
23-Aug-2004	NOA XX	2962-0120 /	Pending		26-Feb-1997	GMM
Due Date	NOA	United States of America				KLR
<b>EXTEND</b> <b>Title:</b> SEQUENCE BASED MUTATION ANALYSIS OF NEOPLASTIC TISSUE FOR DIAGNOSIS OR PROGNOSIS OF THE NEOPLASIA						

Action Attorney(Attorney2): KR KALPANA REDDY

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Due Date	Action Due	Docket Number/SubCase	Status	App Number	App Date	Other
Indicator	Action Type	Country	Client	Pat Number	Iss Date	Atty's
21-Aug-2004	DRAWINGS-1 MONTH	0365-0502 /	Published		27-Apr-2001	LRS
Reminder	DR3	United States of America	Seppo Laine Oy			KR
		Title: METHOD AND DEVICE FOR MODIFYING THE IRRADIANCE DISTRIBUTION OF A RADIATION SOURCE				
21-Aug-2004	ISSUE FEE-1 MONTH	0365-0502 /	Published		27-Apr-2001	LRS
Reminder	IF	United States of America	Seppo Laine Oy			KR
		Title: METHOD AND DEVICE FOR MODIFYING THE IRRADIANCE DISTRIBUTION OF A RADIATION SOURCE				
		Remarks: PUB FEE				
22-Aug-2004	NOA XXX	0365-0538 /	Published		19-Aug-2002	LRS
Final	NOA	United States of America	Seppo Laine Oy			KR
		Title: PROPYLENE POL YMERS WITH AN ULTRA HIGH MELT FLOW RATE				
22-Aug-2004	NOA X	0365-0546 /	Published		30-Sep-2002	LRS
Due Date	NOA	United States of America	Seppo Laine Oy			KR
		Title: PROCESS FOR PRODUCING A POL YETHYLENE COATING ON A SUBSTRATE				
		Remarks: Advisory Action mailed 8/12/04				
23-Aug-2004	AMENDMENT XX	0147-0215 /	Pending		23-Feb-2001	LRS
Due Date	OA1	United States of America	VOSSIUS & PARTNER			KR
		Title: TRANSGENIC PLANTS WITH A MODIFIED ACTIVITY OF A PLASTIDIAL ADP/ATP TRANSLOCATOR				
Slow Pay - See Managing Partner						
23-Aug-2004	NOA XXXX	0365-0538 /	Published		19-Aug-2002	LRS
Final	NOA	United States of America	Seppo Laine Oy			KR
		Title: PROPYLENE POL YMERS WITH AN UL TRA HIGH MELT FLOW RATE				
23-Aug-2004	TO BE FILED ACTUAL-LAST DAY	0459-0593 /	PENDING		30-Apr-2001	LRS
Final	TBFA	United States of America	PLOUGMANN & VINGTOFT A/S			KR
		Title: BINDER SYSTEMS DERIVED FROM AMORPHOUS SILICA AND BASES				
		Remarks: FILE CONTINUATION per e-mail dated 8-19-04				
Slow Pay - See Managing Partner						

**Action Attorney(Attorney2):** LRS LEONARD R. SVENSSON



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Due Date	Action Due	Docket Number/SubCase	Status	App Number	App Date	Other
Indicator	Action Type	Country	Client	Pat Number	Iss Date	Atty's
23-Aug-2004	CONVERT PROV-1 Month call-up	2959-0106 /	Pending		23-Sep-2003	CG
Reminder	File Application	United States of America				MAA
		Title: TANDEM POLYMERIC NUCLEIC ACID HYBRIDIZATION PROBES				
23-Aug-2004	Foreign Filing-1Month	2959-0106 /	Pending		23-Sep-2003	CG
Reminder	Foreign Filing	United States of America				MAA
		Title: TANDEM POLYMERIC NUCLEIC ACID HYBRIDIZATION PROBES				
23-Aug-2004	NOA XX	3672-0111 /	Pending		08-Jun-2001	MKM
Due Date	NOA	United States of America				MAA
		Title: A MEANS FOR ELECTRICAL CONTACTING OR ISOLATION OF ORGANIC OR INORGANIC SEMICONDUCTORS AND A METHOD FOR ITS...				
		Remarks: Advisory Action mailed 7/2/04				
23-Aug-2004	RENEWED PETITION	4565-0106 /	Pending		03-Oct-2003	CG
Reminder		United States of America				MAA
		Title: IMMUNOTHERAPEUTIC COMBINATIONS FOR THE TREATMENT OF TUMOURS THAT OVER-EXPRESS GANGLIOSIDES				
		Remarks: Decision on Petition mailed 7-23-04 (dismissed)				
		EOT available under 37 CFR 1.136(a)				
Slow Pay - See Managing Partner						
Action Attorney(Attorney2): RCS RAYMOND C. STEWART						
22-Aug-2004	PERFECT FILING	0446-0166 / 1	Pending		22-Jul-2004	RCS
Reminder		United States of America				RCS
		Title: DESULFURISATION OF FUEL				
23-Aug-2004	PERFECT FILING	0446-0167 / 1	Pending		23-Jul-2004	RCS
Reminder	PF	United States of America				RCS
		Title: A METHOD OF PRODUCING AN ANTICOAGULATION EFFECT				
Action Attorney(Attorney2): RG RICHARD J. GALLAGHER						
21-Aug-2004	NOA X	0171-0902 /	Published		09-Oct-2002	GMM
Due Date	NOA	United States of America				RG
		Title: PHOTO-CURABLE RESIN COMPOSITION, PATTERNING PROCESS, AND SUBSTRATE PROTECTING FILM				
		Remarks: Advisory Action mailed 8/11/04				



170078-54h

23-AUG-2004

Due Date	Action Due	Docket Number/SubCase	Status	App Number	App Date	Other
Indicator	Action Type	Country	Client	Pat Number	Iss Date	Attys
21-Aug-2004	TO BE FILED	0171-0902 /	Published		09-Oct-2002	GMM
Due Date	TBF	United States of America	Kojima Patent Office			RG
		<b>Title:</b> PHOTO-CURABLE RESIN COMPOSITION, PATTERNING PROCESS, AND SUBSTRATE PROTECTING FILM				
		<b>Remarks:</b> FILE RCE per fax dated 8-19-04				
21-Aug-2004	TRANSLATION-3MONTH	0283-0176 /	CONVERTED		21-Jul-2003	RCS
Reminder	tran	United States of America	Tsukuni & Associates			RG
		<b>Title:</b> TREATMENT OF PARKINSON'S DISEASE AND ENHANCEMENT OF DOPAMINE SIGNAL USING PDE10 INHIBITOR				
21-Aug-2004	AMENDMENT X	0425-0763 /	Pending		14-Jun-2000	RCS
Due Date	OAI	United States of America	FURUYA & CO.			RG
		<b>Title:</b> INFLATOR PROCESSING APPARATUS AND METHOD OF JUDGING CHARGE OF INFLATOR				
21-Aug-2004	ISSUE FEE-1 MONTH	0425-0842 /	Pending		13-Jun-2001	TCB
Reminder	IF	United States of America	FURUYA & CO.			RG
		<b>Title:</b> HYBRID INFLATOR				
23-Aug-2004	ISSUE FEE-2 DAYS	0171-0845 /	Published		25-Apr-2002	GMM
Reminder	IF	United States of America	Kojima Patent Office			RG
		<b>Title:</b> YOKE COMPONENT OF VOICE COIL MOTOR FOR HARD DISK DRIVE, METHOD OF DEBURRING YOKE COMPONENT, AND VOICE COIL MOTOR USING YOKE COMPONENT				
		<b>Remarks:</b> PUB FEE				
23-Aug-2004	ISSUE FEE-1 MONTH	0249-0123 /	Pending		21-Aug-2002	RCS
Reminder	IF	United States of America				RG
		<b>Title:</b> METHOD AND APPARATUS FOR PREPARING PAPER PULP FROM USED PAPER				
		<b>Remarks:</b> DIV?				
23-Aug-2004	TO BE FILED	0425-0911 /	Published		06-May-2002	RCS
Due Date	TBF	United States of America	FURUYA & CO.			RG
		<b>Title:</b> GAS GENERATOR FOR AIR BAG AND AIR BAG APPARATUS				
		<b>Remarks:</b> FILE DIVISIONAL per fax dated 7-21-04				

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Due Date	Action Due	Docket Number/SubCase	Status	App Number	App Date	Other
Indicator	Action Type	Country	Client	Pat Number	Iss Date	Attys
23-Aug-2004	ISSUE FEE-1 MONTH	0425-0911 /	Published		06-May-2002	RCS
Reminder	IF	United States of America	FURUYA & CO.			RG
	Title: GAS GENERATOR FOR AIR BAG AND AIR BAG APPARATUS					
	Remarks: PUB FEE DIV?					
23-Aug-2004	Foreign Filing-1Month	3273-0179 /	Pending		23-Sep-2003	RCS
Reminder	Foreign Filing	United States of America	Goto & Co. Patent Attorney			RG
	Title: NOVEL ACID HALIDE DERIVATIVES, THEIR PRODUCTION, AND PRODUCTION OF INDANONECARBOXYLIC ACID ESTERS USING THE SAME					
23-Aug-2004	CONVERT PROV-1 Month call-up	3273-0179 /	Pending		23-Sep-2003	RCS
Reminder	File Application	United States of America	Goto & Co. Patent Attorney			RG
	Title: NOVEL ACID HALIDE DERIVATIVES, THEIR PRODUCTION, AND PRODUCTION OF INDANONECARBOXYLIC ACID ESTERS USING THE SAME					
Action Attorney(Attorney2): SWG SUSAN W. GORMAN						
21-Aug-2004	SPECIAL LETTER	1718-0207 /	Published		28-Feb-2003	LRS
Reminder	SPL 1	United States of America				SWG
	Title: NON-NUCLEOSIDE REVERSE TRANSCRIPTASE INHIBITORS					



UNITED STATES PATENT AND TRADEMARK OFFICE

3885-102P

COMMISSIONER FOR PATENT  
UNITED STATES PATENT AND TRADEMARK OFFICE  
P.O. BOX 1450  
ALEXANDRIA, VA 22313-1450  
www.uspto.gov



Paper No.

Andrew D. Meikle  
BIRCH STEWART KOLASCH & BIRCH  
PO BOX 747  
FALLS CHURCH, VA 22040-0747

JUL 22 2004

In re Application of:  
Yamada, *et al.*  
Application No. 10/046,739  
Filed: January 17, 2002  
For: THIN-FILM CRYSTAL WAFER  
HAVING PN JUNCTION AND  
METHOD FOR FABRICATING THE  
WAFER

DECISION ON PETITION TO  
WITHDRAW HOLDING OF  
ABANDONMENT

REVIEWED BY  
DOCKETING

mm 7-26-04

This is a decision on the petition filed on August 20, 2003, to withdraw the holding of abandonment of the above-identified application. A petition fee is not required.

The petition is **granted**.

Petitioner asserts that the Office action of November 20, 2002, was not received. The petition included a statement from the practitioner that the undersigned made a complete search of the file jacket and docketing records to establish non-receipt of the Office action. In addition, the petition included a copy of the docket records of the practitioner where the non-received Office action would have been entered had it been received by the practitioner.

A review of the written record indicates no irregularity in the mailing of the Office action, and in the absence of any irregularity there is a strong presumption that the Office action was properly mailed to practitioner at the address of record. This presumption may be overcome by a showing that the Office action was not in fact received. The showing required to establish the failure to receive an Office action must include a statement from the practitioner stating that the Office action was not received by the practitioner and attesting to the fact that a search of the file jacket and docket records indicates that the Office action was not received. A copy of the docket record where the non-received Office action would have been entered had it been received and docketed must be attached to and referenced in practitioner's statement. See "Withdrawing the Holding of Abandonment When Office Actions Are Not Received" 1156 Official Gazette 53 (November 16, 1993) and M.P.E.P. ' 711.03(c).

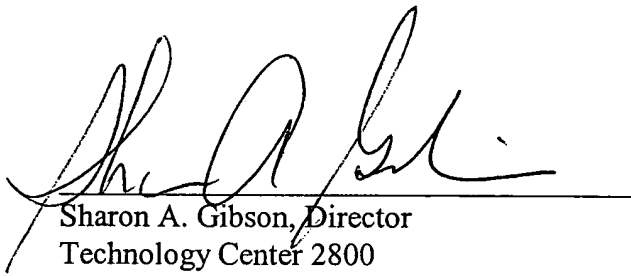
The petition satisfies the above-stated requirements. Accordingly, the application was not abandoned in fact.

For the above stated reason, the petition is granted. The Notice of Abandonment is hereby vacated and the holding of abandonment withdrawn. The application is restored to pending status.

The application file is being forwarded to the Technology Center 2800 support staff for re-mailing of the November 20, 2002, Office action. The statutory periods for response set therein will be reset to run three months from the date the Office action is re-mailed.

The \$130.00 petition fee charged to applicant's account will be credited to applicant's deposit account no. 02-2448.

Inquiries regarding this decision should be directed to Lissi Mojica Marquis at (571) 272-1596.

  
Sharon A. Gibson, Director  
Technology Center 2800  
Semiconductors, Electrical and Optical  
Systems and Components



## UNITED STATES PATENT AND TRADEMARK OFFICE

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# Fax Cover Sheet

Date: 04 Apr 2005

To: Mr. Andrew Meikle	From: Vikki H. Trinh
Application/Control Number: 0/046,739	Art Unit: 2814
Fax No.: 703-205-8050	Phone No.: 571-272-1719
Voice No.: (703) 205-8000	Return Fax No.: (571) 273-1719
Re:	CC:
<input type="checkbox"/> Urgent <input type="checkbox"/> For Review <input type="checkbox"/> For Comment <input type="checkbox"/> For Reply <input checked="" type="checkbox"/> Per Your Request	

## Comments:

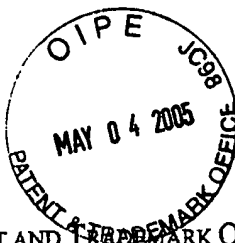
Enclosed is a copy of a new Notice of Abandonment, which will be sent to you, and a copy of the Office Action sent on JULY 23, 2004.

Number of pages \_\_ including this page

**STATEMENT OF CONFIDENTIALITY**

This facsimile transmission is a Official U.S. Government document which may contain information which is privileged and confidential. It is intended only for use of the recipient named above. If you are not the intended recipient, any dissemination, distribution or copying of this document is strictly prohibited. If this document is received in error, you are requested to immediately notify the sender at the above indicated telephone number and return the entire document in an envelope addressed to:

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## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/046,739	01/17/2002	Hisashi Yamada	3885-0101P	2551

2292 7590 17/23/2004

BIRCH STEWART KOI ASCH & BIRCH  
PO BOX 747  
FALLS CHURCH, VA 22040-0747

EXAMINER

TR/NH, HOA B

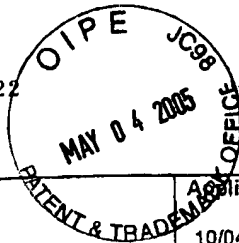
ART UNIT

PAPER NUMBER

2614

DATE MAILED: 07/23/2004

Please find below and/or attached an Office communication concerning this application or proceeding.



## Office Action Summary

Application No.

10/046,739

Applicant(s)

YAMADA ET AL.

Examiner

Vikki H Trinh

Art Unit

2814

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
 Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See: 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) \_\_\_\_ is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☒ Claim(s) 1-11 are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
 If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) ☒ All b) ☐ Some \* c) ☐ None of:  
 1. ☒ Certified copies of the priority documents have been received.  
 2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.  
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
 \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
 a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

Application/Control Number: 10/046,739  
Art Unit: 2814

Page 2

**DETAILED ACTION***Election/Restrictions*

1. Restriction to one of the following inventions is required under 35 U.S.C. 121:

- I. Claims 1-5, drawn to a device, classified in class 257, subclass 565.
- II. Claims 6-11, drawn to a method, classified in class 438, subclass 500+.

The inventions are distinct, each from the other because of the following reasons:

2. Inventions I and II are related as process of making and product made. The inventions are distinct if either or both of the following can be shown: (1) that the process as claimed can be used to make other and materially different product or (2) that the product as claimed can be made by another and materially different process (MPEP § 806.05(f)). In the instant case the method can be used to make by another materially different product such as an LED display device.

3. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.

Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

4. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the




Page 3

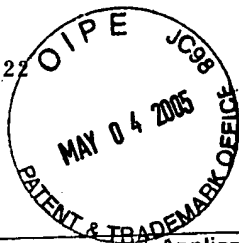
Application/Control Number: 10/046,739  
Art Unit: 2814

application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Vikki Trinh whose telephone number is (703) 308-8238. The Examiner can normally be reached Mon-Tuesday, Thurs-Friday, 7:30 AM - 6:00 PM Eastern Time. If attempts to reach the examiner by telephone are unsuccessful, the Examiner's supervisor, Mr. Wael Fahmy, can be reached at (703) 308-4918. General inquiries relating to the status of this application should be directed to the Group receptionist at (703) 308-0858. The fax number is (703) 308-708.

  
Vikki Trinh,  
Patent Examiner  
AU 2814

November 17, 2002

**Notice of Abandonment**

Application No.

10/046,739

Examiner

Vikki H. Trinh

Applicant(s)

YAMADA ET AL.

Art Unit

2814

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

This application is abandoned in view of:

1. ☒ Applicant's failure to timely file a proper reply to the Office letter mailed on 23 July 2004.
  - (a) ☐ A reply was received on \_\_\_\_\_ with a Certificate of Mailing or Transmission dated \_\_\_\_\_, which is after the expiration of the period for reply (including a total extension of time of \_\_\_\_\_ month(s)) which expired on \_\_\_\_\_.
  - (b) ☐ A proposed reply was received on \_\_\_\_\_, but it does not constitute a proper reply under 37 CFR 1.113 (a) to the final rejection.  
(A proper reply under 37 CFR 1.113 to a final rejection consists only of: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114).
  - (c) ☐ A reply was received on \_\_\_\_\_ but it does not constitute a proper reply, or a bona fide attempt at a proper reply, to the non-final rejection. See 37 CFR 1.85(a) and 1.111. (See explanation in box 7 below).
  - (d) ☒ No reply has been received.
2. ☐ Applicant's failure to timely pay the required issue fee and publication fee, if applicable, within the statutory period of three months from the mailing date of the Notice of Allowance (PTOL-85).
  - (a) ☐ The issue fee and publication fee, if applicable, was received on \_\_\_\_\_ (with a Certificate of Mailing or Transmission dated \_\_\_\_\_), which is after the expiration of the statutory period for payment of the issue fee (and publication fee) set in the Notice of Allowance (PTOL-85).
  - (b) ☐ The submitted fee of \$\_\_\_\_\_ is insufficient. A balance of \$\_\_\_\_\_ is due.  
The issue fee required by 37 CFR 1.18 is \$\_\_\_\_\_. The publication fee, if required by 37 CFR 1.18(d), is \$\_\_\_\_\_.
  - (c) ☐ The issue fee and publication fee, if applicable, has not been received.
3. ☐ Applicant's failure to timely file corrected drawings as required by, and within the three-month period set in, the Notice of Allowability (PTO-37).
  - (a) ☐ Proposed corrected drawings were received on \_\_\_\_\_ (with a Certificate of Mailing or Transmission dated \_\_\_\_\_), which is after the expiration of the period for reply.
  - (b) ☐ No corrected drawings have been received.
4. ☐ The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all of the applicants.
5. ☐ The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon the filing of a continuing application.
6. ☐ The decision by the Board of Patent Appeals and Interference rendered on \_\_\_\_\_ and because the period for seeking court review of the decision has expired and there are no allowed claims.
7. ☒ The reason(s) below:  
  
There was no reply to the Office Action sent on July 23, 2004. A status of inquiry from the attorney of record was received in the file after six months from the date of the Office Action.

Petitions to revive under 37 CFR 1.137(a) or (b), or requests to withdraw the holding of abandonment under 37 CFR 1.181, should be promptly filed to minimize any negative effects on patent term.



PATENT  
3885-0102P

IN THE U.S. PATENT AND TRADEMARK OFFICE

Applicant: Hisashi YAMADA et al. Conf.: 2551  
Appl. No.: 10/046,739 Group: 2814  
Filed: January 17, 2002 Examiner: H. TRINH  
For: THIN-FILM CRYSTAL WAFER HAVING pn JUNCTION AND  
METHOD FOR FABRICATING THE WAFER

LARGE ENTITY TRANSMITTAL FORM

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

May 4, 2005

Sir:

Transmitted herewith is a Reply to Restriction/Election Requirement in the above-identified application.

- ☐ The enclosed document is being transmitted via the Certificate of Mailing provisions of 37 C.F.R. § 1.8.
- ☐ Petition for \_\_\_\_\_ ( ) month(s) extension of time pursuant to 37 C.F.R. §§ 1.17 and 1.136(a). \$0.00 for the extension of time.
- ☒ No fee is required.
- ☐ A check in the amount of \$0.00 is enclosed.
- ☐ Please charge Deposit Account No. 02-2448 in the amount of \$0.00. A triplicate copy of this sheet is attached.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional

fees required under 37 C.F.R. §§1.16 or 1.17; particularly,  
extension of time fees.

Respectfully submitted,

BIRCH, STEWART, KOLASCH & BIRCH, LLP

By 

Andrew D. Meikle, #32,868

ADM:gmh  
3885-0102P

P.O. Box 747  
Falls Church, VA 22040-0747  
(703) 205-8000

Attachment(s)



PATENT  
3885-0102P

IN THE U.S. PATENT AND TRADEMARK OFFICE

Applicant: Hisashi YAMADA et al. Conf.: 2551  
Appl. No.: 10/046,739 Group: 2814  
Filed: January 17, 2002 Examiner: H. TRINH  
For: THIN-FILM CRYSTAL WAFER HAVING pn JUNCTION AND  
METHOD FOR FABRICATING THE WAFER

REPLY TO RESTRICTION REQUIREMENT

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

May 4, 2005

Sir:

In reply to the Restriction Requirement received April 4, 2005, via facsimile, the following remarks are respectfully submitted in connection with the above-identified application.

This reply includes: Remarks.

REMARKS

Claims 1-11 are pending in the above-identified application.

The claims of the present application have been subjected to a Restriction Requirement under 35 U.S.C. 121 as follows:

**Group I** - claims 1-5 directed to a device; and

**Group II** - claims 6-11, directed to a method for making the device of the claims of Group I.

Election

**Applicants hereby elect the claims of Group I, i.e. claims 1-5. This election is made with a traversal.**

Reasons for Traversal of Restriction Requirement

It is respectfully submitted that the search and examination for the presently elected Group I (claims 1-5) substantially overlaps with that of the non-elected Group II subject matter directed to a method for forming the device of elected Group I. For example, the method steps recited in claim 6 require the formation of a base layer, a thin film layer and an emitter layer which have the same composition and properties as recited for the corresponding layers in elected claim 1. The reason indicated for the restriction requirement that the method recited in the claims of Group II may be used to form a "materially different product" is

not understood in that it appears the same product having the same properties is indeed formed by the method of non-elected group II claims. Consequently, it is submitted that there is no significant burden placed on the Examiner to examine all of the subject matter of all of the claims pending in the present application such that the Restriction Requirement should be withdrawn.


Conclusion

If any questions arise regarding the above matters, please contact Applicant's representative, Andrew D. Meikle (Reg. No. 32,868), in the Washington Metropolitan Area at the phone number listed below.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Respectfully submitted,

BIRCH, STEWART, KOLASCH & BIRCH, LLP

By   
\_\_\_\_\_  
Andrew D. Meikle, #32,868

ADM:gmh

P.O. Box 747  
Falls Church, VA 22040-0747  
(703) 205-8000